

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

DOUGLAS CAMPBELL,

Defendant.

ORDER

95-cr-63-bbc

Defendant Douglas Campbell has filed a notice of appeal from an order entered on November 16, 2011, dkt. #644. denying his motion for relief from judgment under Fed. R. Civ. P. 60(b), Fed. R. Crim. P. 33 and Writ of Error Audita Querela. Dk. #642. As I explained in that order, the motion was an unsupported, consecutive attempt to seek relief from the sentence imposed upon him in 1996. For that reason, I denied him a certificate of appealability in the November 11 order.

Defendant's newly filed notice of appeal was not accompanied by the \$455 fee for filing an appeal. 28 U.S.C. § 2253(c)(1)(A); Fed. R. App. P. 22. Therefore, I construe it as including a request for leave to proceed in forma pauperis/on appeal pursuant to 28 U.S.C. § 1915. According to 28 U.S.C. § 1915(a), a defendant who is found eligible for

Copy of this document has been
provided to: Defendant

this 20 day of Dec., 2011

by S. Vogel
S. Vogel, Secretary to
Judge Barbara B. Crabb

court-appointed counsel in the district court proceedings may proceed on appeal in forma pauperis without further authorization "unless the district court shall certify that the appeal is not taken in good faith or shall find that the party is otherwise not entitled so to proceed." Defendant had privately retained counsel for part of the trial proceedings in this court, but he had court-appointed counsel for his appeal.

Although I am convinced there is no merit to defendant's appeal from the denial of his various motions, I believe that he is entitled to appeal this court's decision to ignore any further submissions from him in connection with this case. Therefore, I do not intend to certify that the appeal is not taken in good faith.

Defendant has asked the court to forward to the court of appeals the district court record in the criminal case and in the various § 2255 proceedings that defendant has filed. That motion will be denied. If the court of appeals needs any of those materials to decide defendant's appeal, it will request them and they will be forwarded promptly.

Entered this 2d day of December, 2011.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge